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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND
PROTECTION OF MINORITIES

Forty-eighth session

SUMMARY RECORD OF THE 21st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 20 August 1996, at 3 p.m.

Chairman: Mr. EIDE

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GE.96-13576 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS (continued)

E/CN.4/Sub.2/1996/L.9/Rev.1 (continued)

1. Mr. BENGOA, responding to the statement by the observer for the Islamic Republic of Iran at the 19th meeting in which he had severely criticized the sponsors of the draft resolution, said that, in view of his country's remoteness from and very slender ties with the Islamic Republic of Iran, he failed to see what political goals his sponsorship could have served. Secondly, the observer had no right to accuse anybody present of acting in bad faith. Thirdly, with regard to reliability of sources, he had no doubt whatsoever, after weighing the information he had received from a variety of sources and reading the reports of the United Nations Special Representative and thematic rapporteurs, that persistent serious violations of human rights had occurred. The accusation of time-wasting did not merit a response. Lastly, while cooperation with the special procedures system was to be welcomed, no special merit could be claimed on that account unless practical action was taken to improve the human rights situation in the light of the resulting recommendations.

2. However, he agreed that even minor progress should be recognized and had no objection to the insertion of an operative paragraph in the draft resolution encouraging the Government of the Islamic Republic of Iran to continue with its new policy of cooperation.

3. Mr. BOSSUYT said that the sponsors had agreed on a number of revisions to the draft resolution. The following new fifth preambular paragraph was proposed:

> "Expressing the hope that the atmosphere for change mentioned by the Special Representative during his last visit to the Islamic Republic of Iran will result in marked relevant improvements in the situation of human rights in the country by the time of his next scheduled visit."

Secondly, the word "allegations" in the sixth preambular paragraph of the previous version was replaced by "reports". Thirdly, the word "murders" in the English version of the following preambular paragraph had been amended to read "killings". Lastly, the following new operative paragraph 7 was proposed:

> "Encourages the Government of the Islamic Republic of Iran to pursue its cooperation with the special procedures of the Commission on Human Rights, and especially with the Special Representative of the Commission on the situation of human rights in the Islamic Republic of Iran."

4. He confirmed that the word "alleged" in operative paragraph 1 had been retained so that Mrs. Palley could continue to sponsor the draft resolution.

5. Mrs. WARZAZI said that she would prefer to insert the proposed new preambular paragraph as a new operative paragraph 6, in which case "Expressing" would be amended to read "Expresses".

6. Mr. BOSSUYT said that such an amendment would be acceptable to the sponsors.

7. Mr. ZIARAN (Observer for the Islamic Republic of Iran) said that he appreciated the Sub-Commission's efforts to amend the draft resolution and had not intended to insult anybody in his previous statement.

8. If the forum he was addressing was a court of law, the members of the Sub-Commission would represent both judge and jury, the draft resolution would reflect the charges against him and he would be acting as his own defence counsel. There would be a presumption of innocence, the rule of law would be respected and the burden of proof would lie with the prosecution. Referring to subparagraphs (b) and (c) of the sixth preambular paragraph of the draft resolution, he submitted that there was no evidence on which his country could be convicted of those charges, whose status had been raised in the new version from "allegations" to "reports". What steps had the prosecution taken to ascertain whether the sources of the charges were reliable? He could call as witnesses for the defence the Special Representative and Special Rapporteurs of the Commission of Human Rights from whose reports he had quoted in his previous statement. Those reports had admittedly contained criticisms but the language was nowhere as harsh as that used in the draft resolution before the Sub-Commission.

9. His country was aware of its shortcomings and was therefore cooperating with the Commission's special procedures and seeking to implement any recommendations. His Government had recently issued a formal invitation to all members of the Sub-Commission to visit the Islamic Republic of Iran and help the authorities to strengthen the system of administration of justice and treatment of offenders. That invitation still stood.

10. He hoped that the members would be guided by their conscience and vote against the draft resolution.

11. Mr. ALFONSO MARTÍNEZ said that he was unable to support the draft resolution and would vote against it, particularly in the light of new operative paragraph 6 which encouraged the Government of the Islamic Republic of Iran to pursue its cooperation with the special procedures of the Commission on Human Rights. If the current human rights situation in that country was the result of cooperation with the special procedures, he saw little point in such cooperation.

12. Mr. CHERNICHENKO said he understood that it was customary to refrain from making statements regarding one's voting intentions in the case of a secret ballot.

13. The CHAIRMAN drew attention to a previous legal opinion which stated that explanations of vote were not in order in the case of secret voting.

14. In reply to a point of order by Mr. BOSSUYT, he agreed that he should not have invited comments after the statement by the observer for the Islamic Republic of Iran. On the other hand, members of the Sub-Commission were entitled to make statements at that point in the proceedings if they so wished.

15. A vote was taken by secret ballot.

16. At the invitation of the Chairman, Mr. Bengoa and Mr. Sang Yong Park acted as tellers.

17. The draft resolution was adopted by 12 votes to 6, with 6 abstentions.

Draft resolution E/CN.4/Sub.2/1996/L.12

18. Mr. BOSSUYT read out a number of amendments which the sponsors wished to make in order to meet the views expressed by several members. In the second preambular paragraph, subparagraph (a), the words "persistence of many" should be deleted and the words "armed forces" should be replaced by the word "government". In the same paragraph, subparagraph (c), the words "renewed outbreak of attacks on the" should be replaced by the words "continued problems concerning". Subparagraph (d) of that same paragraph should be deleted, as well as the third preambular paragraph. In paragraph 1 the word "Condemns" should be replaced by the words "Expresses concern about", and paragraphs 2 and 3 should be deleted, with consequential renumbering of the remaining paragraphs.

19. Mrs. PALLEY recalled that, despite her extensive knowledge of the situation in South Eastern Europe, in the past she had always refrained from speaking and voting at plenary meetings of the Sub-Commission when the situation in Turkey had been considered, following the principle that not only must justice be done, but it must also be seen to be done. Had she not absented herself in order to avoid accusations of bias, she would have deplored the situation in Turkey. On the previous day, however, she had been privately informed that many of her colleagues in the Sub-Commission did not believe her to be independent when Turkey was at issue, implying that she was believed to dance to strings pulled by Cyprus because she acted as a paid consultant to its Government. However, as she did not need to prove her honour to herself or anyone else, she had decided no longer to shed responsibility so as to avoid potential criticism. She could no longer place her egotism before the suffering of persons in Turkey, where there continued to be a systematic pattern of gross violations. For instance, hundreds of journalists were facing trial, and the amendments to Turkish law and the Turkish Constitution announced at the Sub-Commission's 1995 session had not, in reality, resulted in any significant improvement. The situation had deteriorated especially in the past three months, with criminal proceedings being instituted against persons who had merely exercised their freedom of expression without advocating terrorism or the dismemberment of the country. They had merely called for a restructuring of the Turkish Constitution to allow for greater autonomy in the South East of the country and for acceptance of minority rights for individuals belonging to the Kurdish minority. Furthermore, military action had intensified, and the Turkish army did not observe minimum humanitarian standards, ignoring even those human rights which were absolute in times of armed conflict. Admittedly, Turkey faced very serious problems of terrorism, but terrorism was not an excuse for violation of the right to life or for inflicting torture and inhuman treatment - a point which the Sub-Commission ought to reaffirm.

20. In fact, the Turkish Government had not done nearly enough to apply human rights law or to bring the Turkish army, police and prison services under control. Over the past year it had made token gestures to the Council of Europe because membership in it depended on adherence to the European Convention on Human Rights and to the European Union because it had wanted to conclude a customs union agreement. As the Sub-Commission had been informed in 1995, the Turkish Government had issued invitations to the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, but for various reasons which were not the fault of Turkey his visit had not yet taken place. It was, however, important that it should materialize and even more necessary that Turkey should respond to the repeated requests of the Special Rapporteurs on the question of torture and on extrajudicial, summary or arbitrary executions to be invited, since their applications had so far received no positive response.

21. Turkey's distinguished foreign service would no doubt be able to convince the Government that the Sub-Commission's interest in the human rights situation in Turkey was not an insult to Turkey and did not involve ignoring the positive moves which the Turkish Government had made, but constituted a manifestation of the Sub-Commission's continuing interest in the welfare of a major State which had a significant role to play in Europe and in Asia, and in acting as a leader of the Islamic world.

22. Mr. ULUÇEVIK (Observer for Turkey) said that the draft resolution before the Sub-Commission concerned a country which had a secular State structure, a pluralist democracy with free and fair elections, a multiparty system, an orderly transition of power, an independent legislature, an independent judiciary ensuring the rule of law, free and dynamic trade unions, and a free and vibrant press. The text concerned a democratic unitary State which, in the past 10 years, had unfortunately been subjected to a vicious terrorist campaign waged by the Marxist-Leninist Workers' Party of Kurdistan (PKK) with the declared objective of achieving the country's dismemberment at a time when it was forging ahead for more democracy and more human rights.

23. Even a cursory glance at the draft resolution revealed that it had nothing to do with the human rights of the 65 million people living in Turkey. It simply contained elements that could be found in all the propaganda materials of the PKK, and its very essence was flawed with serious factual errors. For example, the last preambular paragraph referred to restrictions imposed by Turkey on the Kurdish population of Iraq in respect of humanitarian aid, in violation of Security Council resolution 688 (1991). It was doubtful whether any member of the Sub-Commission could prove that allegation. He, however, was in a good position to prove the contrary, since his previous assignment had included the post of coordinator of the Turkish humanitarian aid programme to northern Iraq, started in 1993. Since then humanitarian aid worth US$ 37.5 million had been extended; moreover, the presence of the 69 international relief agencies and NGOs currently operating in northern Iraq had been made possible by the cooperation of Turkey. It was therefore difficult to see why the draft resolution referred to Turkey's restriction on humanitarian assistance to northern Iraq, which constituted yet further evidence that there was no problem between Turks and Kurds. Turkish citizens, irrespective of their ethnic origin, lived peacefully and in harmony in Turkey. His Government would not allow that harmony to be disturbed by

the PKK, whose terrorism was the only problem faced by Turkey today. The draft resolution amounted to no less than an attempt to bestow a legal status upon a terrorist group, placing it on an equal footing with a country that was a founding member of the United Nations. It contained no reference to either terrorism or its victims and conveyed the message that "terrorism pays off".

24. Thus action by the Sub-Commission on Turkey was unjust and unwarranted. Adoption of the draft resolution would destroy the existing ground for cooperation between Turkey and the United Nations human rights system and was not compatible with the principles of objectivity, impartiality and non-selectivity. The last-minute amendments introduced did not change the substance of the original text or its message. His delegation trusted the collective wisdom, vision and judgement of the Sub-Commission and expected that the draft resolution would not be adopted.

25. A vote was taken by secret ballot.

26. At the invitation of the Chairman, Mr. Boutkevitch and Mr. Mehedi acted as tellers.

27. The draft resolution was rejected by 12 votes to 9, with 3 abstentions.

Draft resolution E/CN.4/Sub.2/1996/L.13

28. Mr. BENGOA said that the draft resolution was relatively simple, calling for the early establishment of a permanent office of the United Nations High Commissioner for Human Rights to be established in Colombia and welcoming the acceptance by the Government of Colombia of the statement by the Chairperson of the Commission on Human Rights at its fifty-second session. A meeting on the establishment of a permanent office was currently taking place between the delegation of Colombia and the High Commissioner for Human Rights.

29. The sponsors wished to make a number of amendments to the text. In the third preambular paragraph the words "supervising the human rights situation in the country, the supervision to be carried out through" should be deleted. Errors in the Spanish version of the fifth and sixth preambular paragraphs needed to be corrected, while the words "and hopes it will be done as soon as possible" should be added at the end of paragraph 2. Finally, in paragraph 4, the word "monitoring" should be replaced by the word "observing".

30. Mr. GUISSÉ, supported by Mr. EL-HAJJÉ, said that the text did nothing more than to take up what had already been discussed and decided. A meeting was already taking place. Such repetition was valueless and the draft resolution should therefore be withdrawn.

31. Mr. JOINET said that he was disturbed by the idea that the Sub-Commission could no longer discuss a matter merely because it had already been discussed. The fact that a meeting was already taking place did not prevent the Sub-Commission from expressing the hope that it would be concluded successfully. Perhaps it would be better, at the end of paragraph 2, to use the words "encourages the parties to arrive at a solution as soon as possible". While a decision in principle had indeed been taken, there was nothing to show that it would be signed. Moreover, the United Nations High

Commissioner for Human Rights had given no indication that the draft resolution might be inappropriate, and he himself had the impression that there was a general consensus that the proposed arrangements should be positively encouraged. He therefore hoped that Mr. Guissé would not insist that the draft resolution should be withdrawn.

32. Mrs. DAES said that the amendments proposed undoubtedly improved the text. Nevertheless, the situation in Colombia was a special one, given the persistence of internal armed conflict in that country. In her view, what was needed was the granting of assistance to the Government and people of Colombia, rather than the adoption of a draft resolution that closely resembled the corresponding Commission resolution. She looked forward to hearing the comments of the observer delegation of Colombia, which should be useful in helping the Sub-Commission to reach a decision.

33. Mr. GUISSÉ again insisted that the draft resolution should be withdrawn, in view of the ongoing negotiations between the Commission's representatives and the Colombian authorities.

34. Mr. LINDGREN ALVES said he had originally assumed that the draft resolution could be adopted by consensus. Having listened to Mr. Guissé's arguments, he was now convinced that nothing would be gained from seeking the opinion of the observer delegation of Colombia; that the draft resolution served no useful purpose; and that the best course would be the one advocated by Mr. Guissé and Mrs. Daes.

35. Mrs. PALLEY asked whether any members would now be proposing to withdraw the resolutions on Iraq and the Islamic Republic of Iran.

36. The CHAIRMAN said that resolutions, once adopted, could not be withdrawn.

37. Mr. CHERNICHENKO said he would be pleased if all draft resolutions on country situations were dealt with in the way proposed by Mr. Guissé. In his view, the time had come to put the draft resolution to a vote.

38. Mr. JOINET, speaking on a point of order, said that under rule 53 of the rules of procedure, a draft resolution could not be withdrawn once it had been amended.

39. The CHAIRMAN, supported by Mr. ALFONSO MARTÍNEZ, pointed out that the draft resolution had not been amended, but merely revised by its sponsors. They were thus fully entitled to withdraw it.

40. Mr. BENGOA said that a resolution on Colombia adopted by the Sub-Commission at its previous session had led to a statement by the Chairman of the Commission and to an agreement between the United Nations High Commissioner for Human Rights and the Colombian Government. Great circumspection had been exercised in drafting a text on what was clearly a very sensitive issue. Nevertheless, the sponsors believed that the draft resolution did indeed constitute a meaningful follow-up to past actions by the Sub-Commission in that regard, allowing it scope for further action in the future. That was the essential purpose of the draft resolution. The text

urged the Colombian Government to continue the process on which it had embarked the previous year. It dealt clearly yet sensitively with a complex issue, and to withdraw it would be a mistake.

41. Mrs. WARZAZI said that the value of the draft resolution lay in its support for the establishment in Colombia of a permanent office of the United Nations High Commissioner for Human Rights. Many of its provisions were not inconsistent with that support. One option would be to move that its consideration should be deferred. However, if the Sub-Commission really wished to maintain an interest in the progress made in Colombia, it should delete from the draft resolution any provisions that might prejudice the ratification of the agreement. She therefore proposed that the first, second, third, sixth and seventh preambular paragraphs and operative paragraphs 1 and 4 of the existing texts should be retained, and the remainder deleted.

42. Mr. LINDGREN ALVES said that the argument advanced by Mr. Bengoa in justification of the draft resolution was unconvincing; the Colombian Government was a democratic one, which had decided on its own initiative - albeit under some international pressure - to conclude the agreement with the United Nations, and was now preparing to implement it. The draft resolution would be construed not as a stimulus, but as a provocation. Mr. Guissé's proposal was by far the most sensible one. If that proposal was rejected, however, then the only way forward would be to take up Mrs. Warzazi's proposal.

43. The CHAIRMAN said that the sponsors had made it clear that they would not withdraw the draft resolution.

44. Mr. GUISSÉ said that, that being the case, he would move that, under rule 65 (2), no decision should be taken on the sponsors' proposal.

45. Mr. CHERNICHENKO, supporting Mr. Guissé's motion, said that under rule 65 (2) it had priority over that proposal, and should therefore be put to a vote forthwith.

46. Mrs. PALLEY said she hoped Mr. Guissé would withdraw his motion. In the past, members had tended to hide their true positions by invoking procedural rules. They were fully entitled to do so; yet it was not good practice for members to avail themselves of that right. Latterly, the tendency had been to vote on the merits of an issue. A return to the practices of past years would be regrettable.

47. Mr. ALFONSO MARTÍNEZ said that since Mr. Guissé's motion had priority over any proposed changes or amendments to the text, the Sub-Commission should now hear any further speakers on that motion, before proceeding to a vote by secret ballot.

48. Mr. CHERNICHENKO, taking up Mrs. Palley's point, said that he too was opposed to abuses of rule 65 (2). In the present case, however, it was not a question of "hiding". Mr. Guissé was merely making the point that it was futile to take a decision on the draft resolution, since the matter was already being dealt with by a higher body.

49. Mr. JOINET proposed that all references to the permanent office of the United Nations High Commissioner for Human Rights should be deleted from the draft resolution. Mr. Guissé's arguments would then lose their force.

50. Mr. GUISSÉ said that Mrs. Palley had been most ill-advised to accuse him of hiding behind the rules of procedure. Those rules, whether substantive or formal, must be complied with.

51. On the question of Mr. Joinet's proposal, he said that he had no objection thereto. The consequence would be, however, that consideration of the draft resolution would have to be deferred until the following day, pending a decision on which provisions were to be deleted.

52. Mr. ALFONSO MARTÍNEZ and Mrs. WARZAZI also took issue with Mrs. Palley: members were fully entitled to invoke the rules of procedure.

53. The CHAIRMAN proposed that consultations should be held between Mr. Guissé and the sponsors, with a view to making a new draft text available, if possible in time for the following morning's meeting.

54. Mrs. WARZAZI said she hoped that account would be taken of her own proposals in the course of the consultations.

55. Mrs. PALLEY said it had not been her intention to accuse Mr. Guissé - for whom she had the utmost admiration - of hiding behind the rules. She had been referring to a practice that had commonly been adopted in the more distant past. She was most grateful to him for agreeing to consult with the sponsors.

56. The CHAIRMAN said that if there was no objection, he would take it that the Sub-Commission wished to postpone its consideration of draft resolution E/CN.4/Sub.2/1996/L.13 until its next meeting.

57. It was so decided.

Draft resolution E/CN.4/Sub.2/1996/L.14

58. Mrs. DAES said that she commiserated with the elderly people, children and women of Iraq who were deprived of food and medicines. She thus supported the provision of humanitarian aid to the people of Iraq and wished to join the sponsors of the draft resolution.

59. The CHAIRMAN drew attention to an error in the text: Mr. Diaz Uribe, not Mrs. Forero Ucros, should be listed as a sponsor of the draft resolution.

60. Mr. MAXIM and Mr. GUISSÉ also asked to join the list of sponsors.

61. Mrs. WARZAZI thanked all those members who had sponsored the draft resolution. She hoped that, as in previous years, it could be adopted by consensus.

62. Draft resolution E/CN.4/Sub.2/1996/L.14 was adopted without a vote.

63. Mr. WEISSBRODT said he had joined the consensus on the draft resolution because he considered that it reflected important concerns regarding the plight in which children and others in Iraq found themselves as a result of the embargo. In his view, however, the resolution, while important, might not be entirely complete. Had he been further consulted, he would have favoured amending the relevant passage of the draft resolution to read: "... the serious consequences which maldistribution of food supplies by the Government of Iraq as well as the embargo imposed on Iraq for the past six years are having ...".

64. Mr. CHERNICHENKO asked for a clarification. Had the draft resolution been adopted "without a vote" or "by consensus"? Technically, the two were one and the same. Nevertheless, a slight nuance was involved.

65. Mr. ALFONSO MARTÍNEZ said that the difference was that there was no reference to adoption "by consensus" in the rules of procedure.

66. Mr. BOSSUYT said that the expression "by consensus" was colloquial. The technically correct formulation was "without a vote".

67. The CHAIRMAN said that the formulation "without a vote" would be the one used in the report.

ELIMINATION OF RACIAL DISCRIMINATION

(a) MEASURES TO COMBAT RACISM AND RACIAL DISCRIMINATION AND THE ROLE OF THE SUB-COMMISSION (agenda item 5) (continued)

68. The CHAIRMAN said that, regarding the joint meeting of officers of the Committee on the Elimination of Racial Discrimination and of the Sub-Commission, the Chairman of the former had originally announced that the secretariat of that Committee would prepare a report on the meeting for the Sub-Commission. However, the secretariat of the Sub-Commission had now been informed that the secretariats of the two bodies were to meet to prepare the report on the joint meeting. The report would then be distributed to members.

69. Mrs. WARZAZI said she had been informed that decisions taken were not valid unless they had the full support of members of the Sub-Commission.

70. The CHAIRMAN said he could not answer for the procedures that applied in the Committee on the Elimination of Racial Discrimination. As far as the Sub-Commission was concerned, be confirmed that decisions of its officers could be considered only as recommendations.

REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED (agenda item 4) (continued)

71. The CHAIRMAN said it was not yet clear whether a draft resolution would be submitted on the question of Peru, and, if so, under which agenda item it would come.

72. Mr. ALFONSO MARTÍNEZ said that the procedure of the Sub-Commission was quite clear that any draft resolution or decision on alleged human rights violations in any specific country had to be considered under agenda item 6.

73. Mrs. DAES said she understood that consideration of agenda item 6 had been concluded. She wished to know whether the officers of the Sub-Commission had asked for the consent of the members to extend the deadline for the submission of a draft resolution concerning one country.

74. The CHAIRMAN said that when the agenda was drawn up, it had been agreed that there should be flexibility on resolutions which were likely to be the subject of prolonged consultations, notably those on Guatemala and Peru. It was still not clear whether any resolution on Peru would be submitted under agenda item 6 or agenda item 4. It was quite acceptable to submit a resolution on a particular thematic issue relating to a particular country under the relevant agenda item; it was for members to decide which agenda item was appropriate for a particular draft resolution.

75. Mr. ALFONSO MARTÍNEZ said that he was not aware of any negotiations on a draft resolution on Peru. He asked the Chairman to consider very carefully whether there had ever been a draft resolution on alleged human rights violations in a specific country which had appeared under any other item than agenda item 6; a dangerous precedent would be set if such draft resolutions did not continue to appear under agenda item 6.

76. Mr. JOINET said he was one of the possible co-sponsors of the draft resolution on the question of Peru, which would be submitted under agenda item 4, in conformity with the decision of the Sub-Commission at its previous session. He had spoken at the meeting of the Sub-Commission on 24 August 1995 about the difficulty of addressing a question such as the prevention of racism without mentioning specific countries, and it had been accepted that the consideration of human rights violations was not limited to agenda item 6.

77. Mr. URRUTIA (Observer for Peru) recalled his earlier detailed statement to the Sub-Commission on the positive developments in legislation to protect and promote human rights in Peru. He felt he had made it absolutely clear that the current human rights situation in Peru was very different from the situation a year ago. On the previous day, he had announced the adoption of a new law setting up a commission for the amnesty of those convicted of terrorism or treason. In the light of the precise and documented facts made available to the international community, his delegation did not believe any action by the Sub-Commission on the human rights situation in Peru was warranted, and hoped that no such action would be taken. Furthermore, he wished to clarify that there had been no negotiations with respect to the drafting of a resolution on the human rights situation in Peru.

78. Mr. JOINET said that there may have been no negotiations as such, but that he had handed over a draft resolution in good faith to be forwarded to the Government in Lima.

79. Mr. URRUTIA (Observer for Peru) confirmed that Mr. Joinet had handed him a draft resolution, which he had forwarded to his Government in Lima, but that

did not imply that any negotiations of any sort had been entered into. He could receive instructions from his Government at any time, but for the moment he repeated that, in the light of the very positive developments in the human rights situation in Peru, any resolution of any description was unwarranted.

80. Mr. ALFONSO MARTÍNEZ, in response to Mr. Joinet's earlier statement, said the fact that a country was mentioned in a discussion on racial discrimination did not mean that a resolution on that country had to be submitted under the item on racial discrimination. In the final sentence of paragraph 338 of the Sub-Commission's 1995 report to the Commission (E/CN.4/1996/2), which was separated from the text of the decision itself as it was a procedural matter, it was stated that the Sub-Commission had decided to postpone consideration of draft resolution E/CN.4/Sub.2/1995/L.47 until the forty-eighth session; it had not been decided to consider the amnesty law or any other aspects of human rights in Peru under agenda item 4. He repeated his contention that the subject of the human rights situation in specific countries should be discussed under agenda item 6.

81. Mr. JOINET suggested that rather than discuss a non-existent problem, as no resolution had yet been submitted, he should consult further with the parties concerned to see if he could come back with an honourable proposal at the next meeting.

82. Mrs. GWANMESIA said that it would be contrary to the Sub-Commission's procedure to return to agenda item 6, with the exception of the draft resolution relating to Colombia. Any resolution concerning Peru could therefore not be included under that item.

83. Mr. CHERNICHENKO agreed with Mrs. Gwanmesia, and added that he was categorically opposed to using any item other than agenda item 6 for the consideration of resolutions on specific countries.

84. Mrs. DAES said that constructive dialogue in the Sub-Commission had to take place within reasonable time-limits and in the interests of transparency no draft resolution could be submitted on Peru after the deadline expired later in the day.

85. Mr. FAN Guoxiang agreed with the previous speakers on the need to discuss country-specific draft resolutions under agenda item 6. He then pointed out that as so far there had been no response from the Government of Peru to Mr. Joinet's initiative, there could hardly be talk of a dialogue, which needed the participation of two sides.

ORGANIZATION OF WORK (continued)

86. The CHAIRMAN announced that Mr. Comba of the Centre for Human Rights, would address the Sub-Commission on the question of insurance coverage for members.

87. Mr. COMBA (Centre for Human Rights) said that the United Nations did not provide insurance for experts and consultants, but only for its own staff. In some instances the Organization had managed to broker an insurance arrangement with a private company for experts attending meetings lasting 10 weeks or more

in Geneva, deducting the cost from their per diem. Efforts were being made to extend that arrangement to other meetings, but the insurance services in the Palais were not interested in providing the kind of insurance the experts were seeking. No answer had yet been received from Van Breda in Brussels, which had been approached during the last week. Normally, experts were expected to make their own private arrangements for medical and accident insurance; it was partly in consideration of that that they received the per diem plus 40 per cent. That had been the practice for many years and any change would obviously take time. Efforts would be made to see what could be done but it was not possible to guarantee their success.

88. Mr. ALFONSO MARTÍNEZ said he regretted the total lack of progress made since the issue had first been raised a year earlier. He asked the secretariat to inform the members at the very beginning of the next session about the results of their inquiries. He also suggested that other experts attending short meetings in Geneva should be approached to see if there were enough potential clients to be of interest to insurance companies.

89. Mr. COMBA (Centre for Human Rights) said that he thought it would be a very good idea to refer the issue to the central administration of the United Nations so that a global approach could perhaps be taken to the problem.

The meeting rose at 6 p.m.